

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND (NORTHERN DIVISION)**

BUSINESS LENDERS, LLC

*

PLAINTIFF,

*

v.

*

CASE No.: L 02 CV 2092

DAMON Z. BELLAMY-BEY *et al.*

*

DEFENDANTS.

*

* * * * *

**MOTION OF BUSINESS LENDERS, L.L.C. FOR EMERGENCY HEARING AND/OR RULING ON
EXCEPTIONS TO RATIFICATION AND FOR RATIFICATION OF FORECLOSURE SALE**

Business Lenders, L.L.C. ("Business Lenders"), by undersigned counsel, and pursuant to FED. R. CIV. P. 7 and Local Rule 105.6 hereby requests that this Court hold a hearing on exceptions to ratification of the foreclosure sale (the "Foreclosure Sale") of real property known as 1817 Laurens Street, Baltimore, Maryland (the "Premises") held on October 31, 2002 filed by defendant Damon Z. Bellamy-Bey and/or that the Court ratify the Foreclosure Sale, and states as follows:

FACTS

1. Jeremy S. Friedberg and Andrew L. Cole (collectively the "Trustees"), trustees under a deed of trust dated January 10, 2001 (the "Deed of Trust") held the Foreclosure Sale on October 31, 2002.

2. Shortly after the sale, after receiving information that Mr. Bellamy-Bey was destroying machinery located at the Premises, the Trustees sought and obtained preliminary injunctive relief from this Court to prevent Mr. Bellamy-Bey from further damaging improvements at the Premises.

3. The Trustees reported the Foreclosure Sale to this Court on November 4, 2002.

4. Mr. Bellamy-Bey filed his Exception to Foreclosure Sale and Request for Hearing (the "Exception") on December 2, 2002.

5. Mr. Bellamy-Bey filed a petition for relief under Chapter 13 of the Bankruptcy Code on April 3, 2003, staying proceedings in this matter.

6. Business Lenders obtained relief from the automatic stay on July 2, 2003 to permit this foreclosure to move forward.

7. Business Lenders recently engaged an appraiser in preparation for marketing the Premises once the Court ratifies the Foreclosure Sale.

8. The appraiser inspected the Premises on or about November 15, 2003 and found significant vandalism, dumping of junk and destruction of equipment and fixtures on the Premises.

9. Business Lenders and the Trustees submit there are no impediments to ratification of the Foreclosure Sale, other than resolving the Exceptions, and request that the Court hold a hearing and/or rule on the Exceptions on an emergency basis and ratify the Foreclosure Sale to prevent further waste to the Premises.

WHEREFORE, Business Lenders, L.L.C. respectfully requests this Court enter an Order:

- a) Granting its *Motion of Business Lenders, L.L.C. for Emergency Hearing and/or Ruling on Exceptions to Ratification and for Ratification of Foreclosure Sale*;
- b) Scheduling a hearing to consider Mr. Bellamy-Bey's *Exception to Foreclosure Sale and Request for Hearing*;
- c) Overruling Mr. Bellamy-Bey's *Exception to Foreclosure Sale and Request for Hearing*;
- d) Ratifying the Foreclosure Sale; and

e) Granting such other and further relief as is appropriate under the circumstances.

/s/ Jeremy S. Friedberg

Jeremy S. Friedberg, Fed. Bar No: 10638

Andrew L. Cole, Fed Bar No. 14865

Leitess, Leitess & Friedberg, P.C.

25 Hooks Lane, Suite 302

Baltimore, Maryland 21208-1302

Phone: (410) 486-2600

FAX: (410) 486-8438

Attorneys for Business Lenders, L L C

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of November, 2003, copies of the foregoing Motion of Business Lenders, L.L.C. for Emergency Hearing and/or Ruling on Exceptions to Ratification and for Ratification of Foreclosure Sale and Proposed Order were sent via first class mail, postage pre-paid, to:

Damon Z. Bellamy-Bey
3824 Evergreen Avenue
Baltimore, Maryland 21206

Z'Lacod, Inc.
t/a Peachtree II Car Wash
c/o Damon Z. Bellamy-Bey
3824 Evergreen Avenue
Baltimore, Maryland 21206

/s/ Jeremy S. Friedberg

Jeremy S. Friedberg